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3 UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
5 OAKLAND DIVISION  
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 JONATAN GODOY,

11 Defendant.  
12  
13

Case No: CR 12-0274 SBA

**ORDER ACCEPTING  
AMENDED REPORT AND  
RECOMMENDATION  
REGARDING GUILTY PLEA**

Docket 126

14 On January 17, 2013, the Court referred this matter to Magistrate Judge Westmore  
15 ("the magistrate") for a report and recommendation on the acceptance of Defendant's guilty  
16 plea. Dkt. 105. On January 24, 2013, the Defendant appeared before the magistrate and,  
17 with the assistance of counsel, waived his right to enter a guilty plea before a district judge  
18 and instead consented to enter his plea in a hearing before the magistrate. See Dkt. 126.  
19 The magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal  
20 Procedure 11. Id. After the advisements set forth in Rule 11, the Defendant entered a  
21 guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written plea  
22 agreement to Counts One and Two of the Superseding Information charging Defendant  
23 with a violation of 18 U.S.C. § 1951(a) - Conspiracy to Commit Robbery Affecting  
24 Interstate Commerce, and 18 U.S.C. § 924(c)(1)(A)(i) and (2) - Possession of Firearms  
25 During and in Furtherance of a Crime of Violence. Id. The magistrate found that  
26 Defendant was fully competent and capable of entering an informed plea, that he was aware  
27 of the nature of the charges and the consequences of the guilty plea, and that the guilty plea  
28 was knowing and voluntary and supported by an independent factual basis. Id.

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1 On January 25, 2013, the magistrate issued a Report and Recommendation  
2 Regarding Guilty Plea. Dkt. 113. On February 20, 2013, the magistrate issued an  
3 Amended Report and Recommendation in which she recommends that this Court accept  
4 Defendant's guilty plea. Dkt. 126. The Amended Report and Recommendation advises the  
5 parties that they may serve and file specific written objections to the order within fourteen  
6 days after being served with a copy of the order. Id. No written objections to the Amended  
7 Report and Recommendation were filed prior to the hearing. At the February 21, 2013  
8 sentencing hearing in this matter, the parties indicated that they have no objections to the  
9 Amended Report and Recommendation. Accordingly,

10 IT IS HEREBY ORDERED THAT the magistrate's Amended Report and  
11 Recommendation (Dkt. 126) is ACCEPTED, the Defendant's plea is accepted, and the  
12 magistrate's Amended Report and Recommendation shall become the order of this Court.

13 IT IS SO ORDERED.

14 Dated: 2/21/13

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16 SAUNDRA BROWN ARMSTRONG  
17 United States District Judge  
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